

Remarks

This amendment comprises new claims 21 to 40, corresponding to the amendment as originally filed 03/05/2005. The substantive argument is the same as filed 03/05/2005. This is intended to be the same as the original amendment, changed only to correct informalities.

The reference to McNee, cited by the patent examiner, is a system and method (hereafter "system"), of donations made as part of a credit transactions made by a consumer with a merchant. The disclosed system is limited to automatic donations when a purchase is made at a member merchant. The system is limited to enrollment of a shopper by a merchant and issuance of a member charity card. The charity card information is transmitted to the CPA 18 and the charity card information including the amount of donation with respect to a purchase made at the merchant.

The systems operations starts with a purchase at and limited to a point of sale, when the shopper presents the approved charity card. Information relevant to the purchase and a contribution request is sent to the CPA 18. The CPA then calculates and accounts for the donation amount and any credit to the CPA 18 for an administrative fee and stores this information in a data base.

Completion of the transaction requires the CPA generate an invoice, sending the invoice to the merchant and receiving payment. The designated donation is then sent to the respective charity and the CPA deducts its fee.

The McNee reference is one dimensional and does not show, teach or disclose any of the recited elements in new claims 21 to 40. McNee is limited to a single preset donation amount a customer makes to a single charity. McNee does not show or disclose a mult tiered system for compensating a plurality of system participants for a transaction any where in the system. For example, McNee does not show,

said first means, including second means for recording separate customer vendor transactions at said plurality of separate sites or said system control site,

said first means including third means for identifying system participants and for identifying a plurality of said system participants related to respective separate customer vendor transactions;

said first means including fourth means for storing a plurality of separate respective marketing distribution levels, for said system participants and identifying from said plurality of marketing distribution levels, respective levels for said system participants; and

said first means includes fifth means, in response to said first means, said fourth means, and said third means, for calculating separate payments for said plurality of said system participants, at said respective levels for said plurality of system participants, related to said respective separate customer vendor transactions.

(see claim 21), or

said data processor including data indicative of a plurality of separate respective marketing distribution levels, for said system participants;

said data processing site identifying from said plurality of marketing levels, respective levels for said system participants responsive to said data indicative of a respective transaction; and

said data processing site calculating separate payments for said respective system participants, at said respective separate levels,

(See claim 30) or

said data processing site, including a data processor for recording data for system participants and for recording data for transactions related to respective pluralities of system participants;

said data processor including data indicative of a plurality of separate respective marketing distribution levels, for said system participants;

said data processing site identifying from said plurality of marketing levels, respective levels for said respective pluralities of system participants responsive to said data indicative of a respective transaction; and

said data processing site calculating separate payments for said respective pluralities of system participants, at said respective separate levels.

(See claim 33)

McNee does not show any of the other features recited in claims 22 to 29, 31 to 32, or 33 to 40. Applicant has submitted what is believed to be patentable claims 21 to 40 and requests these claims be allowed.

Respectfully submitted,

 07/28/2005
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